

REMARKS

In view of the foregoing amendments and these remarks, reconsideration and allowance of this patent application is earnestly solicited.

Claims 21-47 and 63-86 were examined and stand rejected variously under 35 U.S.C. §101 and §112, second paragraph, for the reasons set forth in the Office Action. Claims 1-20 and 48-62 were withdrawn by the Examiner following a restriction requirement and Applicants' election with traverse to prosecute claims 21-47 and 63-86. Independent claim 21 and dependent claims 22, 29-31, 35, 37, 39-41 and 44 have been amended herein; new independent claim 87 and dependent claims 88-112 have been added. No new matter has been introduced. Independent claim 63 and dependent claims 38 and 64-86 have been canceled without prejudice.

As discussed in detail in the present application, Applicants' invention as variously claimed in the elected claims under consideration is generally directed to embodiments of a machine executable methodology and program for aggregating data and predicting the profitability and productivity of licensed (e.g., by governmental agencies) insurance professionals. Data are aggregated from public and, when available, internal or proprietary data sources to derive a predictive scoring model or algorithm that can be used to generate a score that is indicative of the future profitability and productivity of licensed professionals to be recruited, appointed, hired or otherwise selected to provide services (e.g., to write insurance policies for an insurer).

In the Office Action, the Examiner did not cite any prior art references against the present application. Applicants, having invented such a new, unique and non-obvious

development, are therefore entitled to patent protection for their invention and contribution to the art.

Rejection of Claims 21-47 and 63-86 Under 35 U.S.C. §101

Regarding the rejection of independent claim 21 under 35 U.S.C. §101, Applicants have amended the claim to clarify that particular recited steps are effected using a data processor. Additional clarifying and conforming amendments have also been presented to claim 21 and various of the claims depending therefrom. No new matter has been introduced (see, e.g., page 10, second paragraph of Applicants' patent application). It is respectfully submitted that amended claim 21, as well as claims 22-47, which depend therefrom, are properly directed to statutory subject matter, and notice to this effect and allowance of these claims is earnestly requested.

Rejection of Claims 63-86 Under 35 U.S.C. §112, Second Paragraph

As indicated above, Applicants have canceled rejected claims 63-86 without prejudice and introduced a new claim set comprising independent claim 87 and dependent claims 88-112 directed to a machine readable program storage device embodying a program of executable instructions to perform a method for determining the prospective profitability and productivity of a licensed insurance professional (the method steps akin to those recited in claims 21-47). No new matter has been introduced (see, e.g., page 10, second paragraph of Applicants' patent application). Notice to the effect that claims 87-112 are in form for allowance is respectfully requested.

On the basis of the foregoing amendments and remarks, reconsideration and allowance of this application is respectfully requested. The Examiner is invited to contact

Applicants' undersigned attorney at the telephone number set forth below if it will advance the prosecution of this case.

No fee is believed due with this Response other than the \$130 fee associated with the Petition for a one-month extension of time submitted herewith, and the \$52 fee associated with the net addition of one (dependent) claim in excess of 20. Please charge these fees and any fee deficiency, and credit any overpayment, to Deposit Account No. 50-0540.

Respectfully submitted,

By: /Richard L. Moss/
Richard L. Moss, Esq.
Registration No. 39,782
Attorneys for Applicants
KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 Avenue of the Americas
New York, New York 10036
(212) 715-9102